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November 3, 2005

## FILED ELECTRONICALLY

Ms. Marlene H. Dortch  
Secretary  
Federal Communications Commission  
445 12th Street, S.W.  
Washington, DC 20554

**Re: Notification of Satellite Exception to Replication/Maximization Interference  
Deadline - MB Docket No. 03-15**

**KXAN, Inc.  
KXAM-TV, Llano, TX  
Facility ID 35909  
FRN: 0003477072**

Dear Ms. Dortch:

Pursuant to the Commission's Report and Order in the *Second Periodic Review of the Commission's Rules and Policies Affecting the Conversion to Digital Television*<sup>1</sup> and the instructions set forth in Public Notice DA 05-1636,<sup>2</sup> KXAN, Inc., licensee of KXAM-TV and permittee of KXAM-DT, Llano, Texas ("the station" or "KXAM") hereby notifies the FCC that KXAM, which operates as a satellite of KXAN-

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<sup>1</sup> See *Second Periodic Review of the Commission's Rules and Policies Affecting the Conversion to Digital Television*, 19 FCC Rcd 18279 (2004) ("Second DTV Biennial Review R&O").

<sup>2</sup> *DTV Channel Election Issues - Compliance with the July 1, 2005 Replication/Maximization Interference Protection Deadline; Stations Seeking Extension of the Deadline*, Public Notice, DA 05-1636 (rel. June 15, 2005).

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TV,<sup>3</sup> Austin, Texas, intends to take advantage of the exception provided for satellite stations otherwise subject to the "use-it-or-lose-it" interference protection deadline.<sup>4</sup>

KXAM's initial DTV construction permit for maximized facilities was granted on November 12, 2004 for a one-year term (BPCDT-19991018AAV). KXAM currently operates "checklist" DTV facilities pursuant to Special Temporary Authority ("STA"). Were KXAM not a satellite station, it would thus face an interference protection deadline of November 12, 2005. As the Commission has recognized, however, the "unique status of and circumstances faced by satellite stations warrant special treatment ... during the transition."<sup>5</sup> Accordingly, it will serve the public interest to preserve interference protection to KXAM's authorized, maximized DTV facilities while allowing it to continue to operate "checklist" DTV facilities until the conclusion of the DTV transition.<sup>6</sup>

Please direct any questions regarding this matter to the undersigned.

Respectfully yours,



Matthew S. DelNero  
*Counsel for KXAN, Inc.*

cc: Shaun Maher (via electronic mail)

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<sup>3</sup> KXAN-TV, is the NBC affiliate in Austin, Texas. KXAN operates licensed, maximized DTV facilities and has fully complied with the applicable use-it-or-lose-it deadline.

<sup>4</sup> *DTV Biennial Review R&O*, 19 FCC Rcd at 18235 ¶¶ 103 -104.

<sup>5</sup> *Id.*

<sup>6</sup> An STA to operate checklist DTV facilities was granted to KXAM on February 27, 2003, and subsequently extended until October 5, 2005. A timely filed application for extension of the STA (BEDSTA-20050919AIE) is pending.